

United States District Court

Eastern District of California

Ira Paul Domingo,

Plaintiff, No. Civ. S 01-2014 PAN P

vs. Order

Kelley Farney, et al.,

Defendants.

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Plaintiff requests a bench warrant be issued for Mitch Prefact upon the ground he failed to appear at trial August 30, 2004, as commanded by a subpoena returned August 4, 2004.

August 23, 2004, the court vacated the trial date and so Mr. Prefact was released from all obligations of the subpoena.

Accordingly, plaintiff's August 25, 2005, motion is denied.

So ordered.

Dated: September 13, 2005.

/s/ Peter A. Nowinski
PETER A. NOWINSKI
Magistrate Judge